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\*\*E-filed 10/27/05\*\*

8 Attorneys for Plaintiffs/Counter-Defendants  
9 JOHNSON & JOHNSON and LIFESCAN, INC.  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOHNSON & JOHNSON and  
LIFESCAN, INC.,

Case No. C04-03775 JF

STIPULATION AND [PROPOSED]  
ORDER DISMISSING COMPLAINT  
AND COUNTERCLAIMS WITH  
PREJUDICE

Plaintiffs,

v.

ONETOUCH TECHNOLOGIES  
CORPORATION,

Defendant.

ONETOUCH TECHNOLOGIES  
CORPORATION,

Counterclaimant,

v.

JOHNSON & JOHNSON and  
LIFESCAN, INC.,

Counter-defendants.

WHEREAS; the parties have resolved this matter through settlement and reduced  
that agreement to a writing executed in or about September 2005 (the "Settlement  
Agreement");

THE PARTIES THEREFORE stipulate and request that this Court enter dismissal

1 of this action, in its entirety, with prejudice.

2 Dated: October 26, 2005

3 DRINKER BIDDLE & REATH LLP

4 */s/ Steven M. Selna*  
5 STEVEN M. SELNA  
6 S. FEY EPLING

7 Attorneys for Plaintiffs/Counter-  
8 Defendants JOHNSON & JOHNSON and  
9 LIFESCAN, INC.

10 Dated: October 26, 2005

11 MCKENNA LONG & ALDRIDGE LLP

12 *Ann G. Grimaldi*  
13 ANN G. GRIMALDI

14 Attorneys for Defendant/Counterclaimant  
15 ONETOUCH TECHNOLOGIES  
16 CORPORATION

17 ORDER

18 The parties having so stipulated, and good cause appearing therefor, it is hereby  
19 ordered that this matter be dismissed with prejudice.

20 Dated: 10/27/05

21 /s/electronic signature authorized

22 HON. JEREMY FOGEL  
23 UNITED STATES DISTRICT JUDGE